

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
4 State Bar No. 083047  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5339  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
12 Against:

Case No. *2012-103*

13 **RAYMOND AUGUSTINE SEDILLO**  
2944 Redbridge Road  
14 Tracy, CA 95377

**STATEMENT OF ISSUES**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely  
20 in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 **Application for Licensure**

23 2. On or about August 31, 2010, the Board received an Application for Licensure by  
24 Examination from Raymond Augustine Sedillo ("Respondent"). On or about August 29, 2010,  
25 Raymond Augustine Sedillo certified under penalty of perjury to the truthfulness of all  
26 statements, answers, and representations in the application. The Board denied the application on  
27 January 10, 2011.  
28

## STATUTORY PROVISIONS

3. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

4. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(3) (A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a

1 record pertaining to, the substances described in subdivision (a) of this section, in  
2 which event the record of the conviction is conclusive evidence thereof.

3 **FIRST CAUSE FOR DENIAL OF APPLICATION**

4 **(Criminal Conviction)**

5 7. Respondent's application is subject to denial pursuant to Code section 490 and Code  
6 section 2761, subdivision (f), in that Respondent has been convicted of the following crimes that  
7 are substantially related to the qualifications, functions, or duties of a registered nurse:

8 a. On or about November 6, 2007, in the Superior Court, County of Contra Costa,  
9 California, in the matter entitled *People vs. Raymond Augustine Sedillo*, 2007, Case No. 132521-  
10 6, Respondent was convicted following his plea of nolo contendere to a violation of Vehicle Code  
11 section 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a  
12 misdemeanor. The circumstances of the crime are that on June 22, 2007, Respondent was  
13 arrested for driving under the influence of alcohol following a traffic stop. Respondent's blood  
14 alcohol level measured .14%

15 b. On or about August 26, 2008, in the Superior Court, County of Alameda, California,  
16 in the matter entitled *People vs. Raymond Augustine Sedillo*, 2008, Case No. 411229, Respondent  
17 was convicted following his plea of no contest to a violation of Vehicle Code section 23152,  
18 subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor with a  
19 further allegation of a prior conviction, as more particularly set forth in subparagraph a, above.  
20 The circumstances of the crime are that on May 18, 2008, Respondent was arrested for driving  
21 under the influence of alcohol following a traffic stop for excessive speed. Respondent's blood  
22 alcohol level measured .09%

23 **SECOND CAUSE FOR DENIAL OF APPLICATION**

24 **(Committed Acts Which if Done by a Licentiate Constitute Cause for Discipline)**

25 8. Respondent's application is subject to denial pursuant to Code section 480  
26 subdivision (a)(3)(A), in that Respondent committed acts which if done by a licentiate constitute  
27 cause for discipline pursuant to Code sections 2761, subdivision (f) and 2762, subdivisions (b)  
28 and (c).

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Raymond Augustine Sedillo for a registered nurse license; and,
2. Taking such other and further action as deemed necessary and proper.

DATED: 8-15-11

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

SA2011100471  
10728286.doc